

Amdt. dated February 1, 2007
Reply to Office Action of August 1, 2006

van der Goes *et al.*
Appl. No. 10/625,702

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-20, 32, 33, and 35-40 are pending in the application, with claims 1, 11, 32, and 33 being the independent claims. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 102

Claims 1-20 and 35-38 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 6,104,332 to Brandt (herein "Brandt"). Applicants respectfully transverse the rejection.

To anticipate a claim, the Office Action must sufficiently allege that the reference teaches every element of the claim. (see, MPEP 2131). For the reasons to be discussed below, the Office Action dated August 1, 2006 (herein "Office Action") fails to sufficiently allege that the Brandt teaches every element of claim 1.

Page 4 of the Office Action erroneously alleges that the reference designator M of Brandt is the first clock phase as recited in claim 1 and the reference designator I of Brandt is the second clock phase as recited in claim 1. The corresponding description of FIG. 5 of Brandt, refers to a switch M_C and a switch I_C. (see, Brandt, col. 8, line 60 through col. 9, line 9). Likewise, the corresponding description of FIG. 7 of Brandt, refers to a switch M_f and a switch I_f. (see, Brandt, col. 11, lines 3-18). Thus, the

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reference designator M of Brandt and the reference designator I of Brandt refer to switches and not clock phases.

Applicants' coarse capacitor as recited in claim 1 "is charged to a coarse reference voltage during the first clock phase and connected to the first amplifier's output voltage during the second clock phase" and Applicants' fine capacitor as recited in claim 1 "is connected to a fine reference voltage during the first clock phase and charged to the first amplifier's output voltage during the second clock phase." (*see*, claim 1). In other words, the first clock phase charges Applicants' coarse capacitor to a coarse reference voltage and connects Applicants' fine capacitor to a fine reference voltage. Likewise, the second clock phase connects Applicants' coarse capacitor to the first amplifier's output voltage and charges Applicants' fine capacitor to the first amplifier's output voltage.

Anticipation of claim 1 by Brandt requires that Brandt teach a clock having a first phase and a second phase. As noted above, the reference designator M and the reference designator I of Brandt do not constitute a clock having a first phase and a second phase. Nowhere does Brandt teach the clock phases and their functions as recited in claim 1. Therefore, Brandt cannot anticipate claim 1. Accordingly, Applicants respectfully request this rejection to claim 1 be withdrawn and that claim 1 be passed to allowance.

Claims 2-10, 35, and 36 depend directly or indirectly from claim 1. For the reasons provided above and further in view of their own features, claims 2-10, 35, and 36 are patentable over Brandt. Accordingly, Applicants respectfully request this rejection to claims 2-10, 35, and 36 be withdrawn and that claims 2-10, 35, and 36 be passed to allowance.

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Regarding claim 11, the Office Action similarly alleges that the reference designator M and the reference designator I of Brandt teaches a clock having a first phase and a second phase. For the reasons presented above regarding claim 1, it is clear that Brandt does not teach every element of claim 11. Accordingly, Applicants respectfully request this rejection to claim 11 be withdrawn and that claim 11 be passed to allowance.

Claims 12-20, 37, and 38 depend directly or indirectly from claim 11. For the reasons provided above and further in view of their own features, claims 12-20, 37, and 38 are patentable over Brandt. Accordingly, Applicants respectfully request this rejection to claims 12-20, 37, and 38 be withdrawn and that claims 12-20, 37, and 38 be passed to allowance.

Statutory Double Patenting

Claim 33 stands rejected under 35 U.S.C. § 101 as allegedly claiming the same invention as that of claim 31 of U.S. Patent No. 6,653,966 to van der Goes et al. (herein "van der Goes"). Applicants respectfully transverse the rejection.

Claim 33 recites a method of converting an analog voltage to a digital voltage including the step of "converting outputs of the first and second amplifiers to *a digital output*." (*emphasis added, see, claim 33*). On the other hand, claim 31 of van der Goes recites a method of converting an analog voltage to a digital voltage including the step of "converting outputs of the first and second amplifiers to *an N-bit output*." (*see, van der Goes, col. 11, line 25 through col. 12, line 15*). Claim 31 of van der Goes may be literally infringed without literally infringing claim 33. In other words, a digital output has a broader connotation than an N-bit output. As a result, identical subject matter is

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not defined by both claims and statutory double patenting does not exist. (*see*, MPEP 804). Accordingly, Applicants respectfully request that this rejection to claim 33 be withdrawn and claim 33 be passed to allowance.

Non-Statutory Double Patenting

Claims 1-20, 32, 33, and 35-40 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-30, and 32 of U.S. Patent No. 6,653,966 to van der Goes et al. Applicants have filed, herewith, a terminal disclaimer in compliance with 37 C.F.R. 1.321(c). Accordingly, Applicants respectfully request that this rejection to claims 1-20, 32, and 35-40 be withdrawn and claims 1-20, 32, and 35-40 be passed to allowance.

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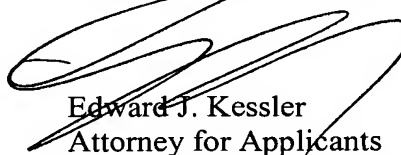
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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